
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BERNADETTE SKORUPSKA,

Index No.: 20-cv-2831-KPF

Plaintiff,

-against-

525 WEST 52 PROPERTY OWNER LLC,
CITY OF NEW YORK, PHIPPS HOUSING
DEVELOPMENT CORPORATION, and
TACONIC MANAGEMENT LLC,

MEMO ENDORSED

Dear Judge Failla:

I am a pro-se plaintiff in the above referenced action. I am responding to the letter submitted by the City defendants on March 30, 2022 requesting to redact some of documents submitted along with my opposition to summary judgment motions.

The City asks to redact the following documents:

Exhibit 1
Exhibit 3
Exhibit 4
Exhibit 8
Exhibit 15
Exhibit 17
Exhibit 38
Exhibit 48
Exhibit 49
Exhibit 54

The City also states “ *All of the information the City seeks to seal is in documents that originated in the files of the defendants but were provided by defendants to plaintiff only in redacted form. Plaintiff obtained them elsewhere in unredacted form.*”

It is not true that the defendants provided all of these exhibits, and/or that they were all provided in redacted versions. For example the city defendants did not

provide exhibits 1, 15, 48, 49 and the remaining exhibits were not redacted because they all pertain to my personal information.

I am opposing the proposed reductions and/or sealing of the following documents

1 – My Income Certification

8 – My application

15 – My credit report

38 – Phipps Housing Response along with my Income Certification and Contract Rent Approval

48 – Natan's discharge papers emailed to Phipps

49 – Natan's discharge papers emailed to Phipps

54 – Status update from Master log about my application only

Sealing the exhibits listed does not protect me from anything, all the information contained in the exhibits is already available to the public through the context of my response and other documents. I will not gain anything by redacting them but would make the defendant's position stronger in the public eye. I believe I have the right to do as I please with my personal information and it is my wish to leave them as they are, by doing so I am not violating anyone else's privacy.


I am in agreement with proposed reductions for exhibit 3, 4, 32, and 17.

Please seal exhibits 51 and 43 because they have copies of social security numbers, passports and tax documents.

Thank you.

Respectfully,

Bernadette Skorupska

A handwritten signature in black ink, appearing to be 'BS' or similar, written in a cursive style.

The Court is in receipt of Plaintiff's above letter; Defendant Phipps Housing Development Corporation's April 1, 2022 letter and proposed redacted exhibits (Dkt. #162, 163); Defendant City of New York's April 1, 2022 unredacted exhibits (Dkt. #161); and the City of New York's March 30, 2022 letter and proposed redacted exhibits (Dkt. #158, 159).

Based on the parties' submissions, the Court understands that the parties agree on the proposed redactions to exhibits 3, 4, 17, and 32 and the sealing of exhibits 43 and 51 because these exhibits contain third parties' sensitive information.

The Court also understands that Plaintiff objects to the proposed redactions to exhibits 1, 8, 15, 38, 48, 49, and 54. Plaintiff contends that these exhibits contain only her own and her son's personal information and that she does not wish to redact that information from the public filings in this case. Plaintiff further states that the sensitive information contained in these exhibits is already available to the public through her papers filed in opposition to Defendants' motions for summary judgment.

Federal Rule of Civil Procedure 5.2 provides that "[u]nless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, a party or nonparty making the filing may include only" certain limited information. Fed. R. Civ. P. 5.2(a). Rule 5.2 further provides that "[a] person who fails to redact such information or file it under seal waives the protections of Rule 5.2 as to his or her own information." *Schneider v. Mahopac Cent. Sch. Dist.*, No. 20 Civ. 0709 (CS), 2020 WL 509030, at *1 (S.D.N.Y. Jan. 30, 2020) (citing Fed. R. Civ. P. 5.2(h)).

Given Plaintiff's insistence that she does not wish to redact her and her son's sensitive information and the fact that much of this information is already available in other documents filed on the public docket, the Court will allow certain of this information to be filed in unredacted form. See Fed. R. Civ. P. 5.2(h). That said, the Court will not permit Plaintiff's or her son's full social security numbers to be filed on the public docket. This information, in contrast with Plaintiff's and her son's financial and medical information, does not appear in Plaintiff's other filings. The Court will therefore direct the City to redact all but the last four digits of the social security numbers from the exhibits.

For the foregoing reasons, the City is hereby ORDERED to file a complete set of Plaintiff's exhibits on the docket. The City shall file exhibits 3, 4, 17, and 32 with the redactions agreed upon by the parties. The City shall file exhibits 43 and 51 under seal, viewable only to the parties and Court. Lastly, the City shall file exhibits 1, 8, 15, 38, 48, 49, and 54 with all but the last four digits of Plaintiff's and her son's social security numbers redacted. The City shall also redact Ms. Elwira Mizgler's address and telephone number from exhibit 8. All other exhibits shall be filed in unredacted form.

The Clerk of Court is directed to terminate the motions at docket entries 158 and 159.

The Court will email a copy of this endorsement to Plaintiff.

Dated: April 13, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE